

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

Crim. No.

CR 20-114 MJD/ECW

UNITED STATES OF AMERICA,

INDICTMENT

Plaintiff,

18 U.S.C. § 1343

18 U.S.C. § 1349

v.

18 U.S.C. § 1028A

18 U.S.C. § 981(a)(1)(C)

OLUFEMI OLUWASEUN BANJO,
a/k/a "Femi Banjo"

28 U.S.C. § 2461

Defendant.

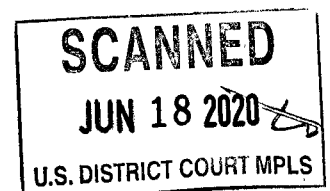
THE UNITED STATES GRAND JURY CHARGES THAT:

INTRODUCTION

1. From approximately March 2016, through approximately February 2018, OLUFEMI OLUWASEUN BANJO ("BANJO"), a citizen of Nigeria, conspired with others known and unknown to the grand jury, to use the Internet and email communications in interstate and foreign commerce to obtain and use other individuals' Personal Identifying Information ("PII"), without their consent, to commit multiple offenses against the United States, including wire fraud.

THE SCHEME TO DEFRAUD

2. It was part of the scheme to defraud that BANJO, and others known and unknown to the grand jury, gained unauthorized access to Internet accounts of thousands of individual victims and stole PII and IRS W-2 Forms, which they then used to, among other things, file false tax returns in the names of the individual victims seeking fraudulent refunds.



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**The Conspirators Fraudulently Obtain PII and IRS W-2 Tax Forms
from Victim Company A**

3. As part of the scheme, BANJO and his coconspirators gained unauthorized access to Internet accounts maintained by Victim Company A. Victim Company A is a Minnesota-based company that provides human resource services to numerous businesses, including providing web-based account access to individual employees of those businesses for things like payroll and tax information. These services included access to a program called "SeeMyW2," which allowed employees to download a copy of their IRS Form W-2 from an Internet portal. When users first registered an account on the SeeMyW2 website, they provided an email address for their respective account. Thereafter, the user was able to change or update their email address as necessary.

4. Beginning in about March 2016, BANJO, and his coconspirators and others unknown, gained unauthorized access to the SeeMyW2 accounts of approximately 1,200 employees associated with Victim Company A.

5. Once BANJO and his coconspirators fraudulently accessed the employees' SeeMyW2 accounts, they took over the accounts by changing the email addresses associated with the accounts to new email addresses that they controlled. After they had taken over the employees' SeeMyW2 accounts, BANJO and his coconspirators accessed the IRS W-2 Forms associated with those accounts and stole PII and tax information for those employees.

6. As part of the scheme, after fraudulently obtaining the PII of each employee, the co-conspirators used the PII to, among other things, prepare and electronically file tax

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returns in the names of those employees in order to obtain fraudulent refunds from the Internal Revenue Service (“IRS”), an agency of the United States. They did so by directing the IRS to send the refunds to bank accounts or addresses controlled by the coconspirators. The last known fraudulent tax filing by BANJO involving Victim Company A, was in February 2018.

The Conspirators Fraudulently Obtain PII and IRS Tax Data from the Department of Education

7. As part of the scheme, BANJO and his coconspirators gained unauthorized access to Internet accounts maintained by the Department of Education. The Department of Education and the IRS provided a “Data Retrieval Tool” for use in filling out a Free Application for Federal Student Aid (“FAFSA”). The tool allowed individuals filling out the FAFSA the option of auto-filling parts of the application directly from the IRS website. To use this tool, an individual created a Federal Student Aid Identification number with the applicant’s Social Security Number, date of birth, and an email address. The applicant then completed the FAFSA on the Department of Education website. During the application process, the applicant was asked if the applicant wanted to use the IRS Data Retrieval Tool to transfer tax information into the FAFSA. By choosing to use the tool, the applicant was able to see data related to the applicant’s previous year’s tax return. The applicant could then transfer this IRS tax data into the FAFSA.

8. Starting in approximately December 2016, BANJO and his coconspirators exploited this tool by creating fraudulent accounts on the Department of Education’s website using stolen PII and email addresses controlled by BANJO and his coconspirators.

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Once the fraudulent accounts were established, BANJO and his coconspirators were able to access additional PII and tax information from the IRS using the IRS Data Retrieval Tool. With that additional information from the IRS, it was part of the scheme for BANJO and his coconspirators to electronically file false tax returns with the IRS using the fraudulently obtained data.

The Conspirators Use the Stolen PII and IRS W-2 Form to Defraud the IRS

9. On or about March 26, 2016, BANJO and his coconspirators accessed the SeeMyW2 portal and fraudulently obtained from Victim Company A the PII and the IRS W-2 Form of individual victim E.A., without E.A.'s knowledge or authorization, to submit a false and fraudulent electronic federal tax return. BANJO and his coconspirators electronically filed a 2015 fraudulent federal tax return for E.A. on March 30, 2016, claiming a false refund in the amount of \$14,550. BANJO and his coconspirators electronically filed a 2016 fraudulent federal tax return for E.A. on September 22, 2017, claiming a false refund in the amount of \$5,082.

10. On or about December 20, 2016, BANJO and his coconspirators accessed the Department of Education's website and created a fraudulent Federal Student Aid account for individual victim C.K. BANJO and his coconspirators then obtained the PII and tax information of C.K., without C.K.'s knowledge or authorization, to submit a false and fraudulent electronic federal tax return. BANJO and his coconspirators electronically filed a 2016 fraudulent federal tax return for C.K. on January 23, 2017, claiming a false refund in the amount of \$14,127.

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11. On March 19, 2016, BANJO and his coconspirators accessed the SeeMyW2 portal and fraudulently obtained from Victim Company A the PII and the IRS W-2 Form of individual L.Z., without L.Z.'s knowledge or authorization. Thereafter, in 2016, BANJO and his coconspirators electronically filed six fraudulent 2015 federal tax returns for L.Z. that were all rejected by the IRS.

12. On January 22, 2017, BANJO and his coconspirators accessed the Department of Education's website and created a fraudulent Federal Student Aid account for L.Z., who is the same victim as in paragraph 11. BANJO and his coconspirators then obtained additional PII and tax information of L.Z., without L.Z.'s knowledge or authorization, to submit a false and fraudulent electronic federal tax return. BANJO and his coconspirators electronically filed a fraudulent 2016 federal tax return for L.Z. on January 25, 2017, claiming a false refund in the amount of \$5,810.

COUNT 1

(Conspiracy To Commit Wire Fraud)

13. Paragraphs 1 through 12 of the Indictment are realleged as if set forth in fully herein.

14. From in or about March 2016 through February 2018, in the State and District of Minnesota and elsewhere, the defendant, who will be first brought to the District of Minnesota,

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and others known and unknown to the grand jury, conspired with others to commit the crime of wire fraud, as described below, all in violation of Title 18, United States Code, Section 1349.

COUNTS 2-5
(Wire Fraud)

15. Paragraphs 1 through 14 are incorporated by reference as if fully set forth herein.

16. From in or about March 2016 through in or about January 2017, in the State and District of Minnesota and elsewhere, the defendant, who will be first brought to the District of Minnesota,

OLUFEMI OLUWASEUN BANJO,

did knowingly and unlawfully devise and execute a scheme and artifice to defraud and to obtain money and property by means of materially false and fraudulent pretenses, representations, promises, and material omissions, which scheme and artifice is described above in paragraphs 1 through 12.

17. On or about the dates set forth below, for the purpose of executing and attempting to execute the above-described scheme and artifice to defraud, the defendant knowingly transmitted and caused to be transmitted by means of wire communications in interstate and foreign commerce, certain writings, signs, signals, and sounds, as described below:

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Count	Date of Wire (on or about)	Wire
2	3/19/16	BANJO and his coconspirators connected via the Internet to Victim Company A's SeeMyW2 portal to take control of an account for L.Z.
3	3/26/16	BANJO and his coconspirators connected via the Internet to Victim Company A's SeeMyW2 portal to take control of an account for E.A.
4	12/20/16	BANJO and his coconspirators connected via the Internet to the Department of Education's FAFSA website to create and take control of an account for C.K.
5	1/22/17	BANJO and his coconspirators connected via the Internet to the Department of Education's FAFSA website to create and take control of an account for L.Z.

All in violation of Title 18, United States Code, Section 1343.

COUNTS 6-9

(Aggravated Identity Theft)

18. Paragraphs 1 through 17 are incorporated by reference as if fully set forth herein.

19. On or about the dates set forth below, in the State and District of Minnesota, the defendant, who will be first brought to the District of Minnesota,

OLUFEMI OLUWASEUN BANJO,

did knowingly transfer, possess, and use, without lawful authority, a means of identification of another person, as alleged in each count below, during and in relation to the commission of a felony violation enumerated in Title 18, United States Code, Section 1028A(c), specifically, wire fraud, in violation of Title 18, United States Code, Section 1343, and knowing that the means of identification belonged to another actual person:

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Count	Date (on or about)	Description
6	3/19/16	Unlawfully used the identity of L.Z. during and in relation to the commission of wire fraud, as alleged in Count 2.
7	3/26/16	Unlawfully used the identity of E.A. during and in relation to the commission of wire fraud, as alleged in Count 3.
8	12/20/16	Unlawfully used the identity of C.K. during and in relation to the commission of wire fraud, as alleged in Count 4
9	1/22/17	Unlawfully used the identity of L.Z. during and in relation to the commission of wire fraud, as alleged in Count 5

All in violation of Title 18, United States Code, Section 1028A.

FORFEITURE ALLEGATIONS

Counts 1 through 9 of this Indictment are hereby realleged and incorporated herein for the purpose of alleging forfeitures.

If convicted of any of the offenses charged in Counts 1 through 9 of this Indictment, the defendant shall forfeit to the United States pursuant to Title 18, United States Code, Section 981(a)(1)(C), and Title 28, United States Code, Section 2461(c), any and all property, real or personal, which constitutes or is derived from proceeds traceable to the violations of Title 18, United States Code, Sections 1343 and 1349.

If any of the above-described forfeitable property is unavailable for forfeiture, the United States intends to seek the forfeiture of substitute property as provided for in Title 21, United States Code, Section 853(p), as incorporated by Title 28, United States Code, Section 2461(c).

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A TRUE BILL

UNITED STATES ATTORNEY

FOREPERSON